



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 17, 2014

Nicolle M. Shalley
City Attorney, City of Gainesville
200 East University Avenue, Suite 425
Gainesville, Florida 32601

RESCINDED

RE: DE 14-01 Early Voting – Facilities,
Locations – § 101.657, Florida Statutes

Dear Ms. Shalley:

As city attorney for the City of Gainesville and on behalf of the Gainesville City Commission, you have asked for a formal opinion to answer the following question:

Does the J. Wayne Reitz Union on the University of Florida campus constitute a government-owned community center or a convention center for purposes of early voting under section 101.657, Florida Statutes (2013)?

While the city of Gainesville has elected to delegate its responsibility to administer the municipal election scheduled for March 11, 2014, to the county supervisor of elections, it has retained its authority to designate early voting sites. *See* § 101.657(1)(e), Fla. Stat. (providing municipalities “may designate” early voting sites). Therefore, because this answer will assist the municipality in its election-related duties, the Division is required to issue an opinion pursuant to section 106.23(2), Florida Statutes (2013).

Florida law regulates the times and places at which early voting may be held. § 101.657, Fla. Stat. While supervisors of elections are required to allow early voting in the main or branch office of the supervisor, they are limited as to which other locations they may choose for additional sites. § 101.657(1)(a), Fla. Stat.¹

¹ If a municipality provides early voting, its designation of early voting sites must be in accordance with section 101.657(1)(a). § 101.657(1)(e), Fla. Stat.



Prior to 2013, the Florida Election Code² allowed supervisors to designate only city halls or permanent public library facilities as additional early voting sites. In 2013, the Florida Legislature expanded the options to include fairgrounds, civic centers, courthouses, county commission buildings, stadiums, government-owned senior centers, convention centers, and government-owned community centers.³ Ch. 2013-57, Laws of Florida (Committee Substitute for House Bill 7013, 2013 Leg., Reg. Sess. (2013)) (amending § 101.657(1)(a)). However, the Legislature considered and rejected several bills, as well as an amendment to House Bill 7013, that specifically proposed the addition of educational facilities as optional early voting sites before the final version of the bill was passed. *See* Fla. HB 25, 2013 Leg., Reg. Sess. (2013) (any “Florida College System institution facility, state university facility, or college facility”); Fla. SB 388, 2013 Leg., Reg. Sess. (2013) (same); Fla. SB 82, 2013 Leg., Reg. Sess. (2013) (any “community college facility, [or] university or college”); Fla. SB 80, 2013 Leg., Reg. Sess. (2013) (any “university or college”); Amendment to Fla. HB 7013 (bar code no. 152969) filed Feb. 20, 2013, 7:54 p.m., in Appropriations Committee, 2013 Leg., Reg. Sess. (2013) (“Florida College System institution facility”).

The Reitz Union is a structure designed for, and affiliated with, a specific educational institution. It is a part of the University of Florida. The terms “convention center” and “government-owned community center” cannot be construed so broadly as to include the Reitz Union or any other college- or university-related facilities that were rejected by the Legislature as additional early voting sites.

SUMMARY

The J. Wayne Reitz Union on the University of Florida campus does not constitute a “government-owned community center” or “convention center” for purposes of early voting under section 101.657, Florida Statutes (2013).

Respectfully,



Maria I. Matthews, Esq.
Director, Division of Elections

² Chapters 97–106, Florida Statutes.

³ In addition, the statute allows the designation of one other early voting site in an area of the county that does not have any of the eligible sites enumerated in the statute. *Id.*